

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 27, 2001

Deputy Deborah Tombol, #[redacted]

Dear Deputy Tombol:

On March 6, 2001, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2007417. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond, and did review the material on March 9, 2001. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days effective July 30, 2001 through August 3, 2001.

An investigation under File Number IAB 2007417, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 8, 2000, you used poor tactics in attempting to arrest three auto burglary suspects in Parking Lot A at Rio Hondo Community College; specifically, you chose to abandon your position as part of the surveillance team and effect the arrest of three auto burglary suspects, without having the proper equipment on (protective vest and handcuffs), or notifying your assisting team members of your actions.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Juan Rodriguez, Captain
Commander, Pico Rivera Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JR:DHB:kcd

c: Advocacy Unit
Kenneth L. Bayless, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Training Bureau/Unit Personnel File

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2007417*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

7/27/1

DATE

DEBORAH TOMBOL, #[redacted]

I certify that on the date indicated below, I served the original of the attached **LETTER OF SUSPENSION** on ***DEBORAH TOMBOL*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

7/27/01

DATE

WITNESS SIGNATURE

BRIAN H. SMITH, LT.

WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

KIMBERLY C. DANDINI
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5313

RECEIVED

JUN 2? 2001

EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department", and Deputy Deborah Tombol, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated March 6, 2001, (IAB #2007417) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended thirty (30) day suspension to a five (5) day suspension.

2. Both parties agree that the alleged violation of the Manual of Policy and Procedures Sections, 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and 3-01/025.30, Use of Firearms and Deadly Force, shall be deemed "Unfounded."

3. Both parties agree and understand that the Grievant is found to be in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards.

4. The Grievant agrees to withdraw her grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline.

5. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

6. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

6/13/01 R

7. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

8. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

9. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 06/18/01

Deborah Tombol, Deputy

Date: 6-20-01

Kenneth L. Bayless, Chief



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



March 6, 2001

Deputy Deborah Tombol, #[redacted]
[redacted]

Dear Deputy Tombol:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days.

An investigation under File Number IAB 2007417, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/025.00, Use of Force; and/or 3-01/025.10, Unreasonable Force; and/or 3-01/025.30, Use of Firearms and Deadly Force, on or about March 8, 2000, you used unnecessary deadly force when you attempted to stop a fleeing suspect; specifically, you did fire and continued to fire your duty weapon at the vehicle the suspect was driving after it passed you, and then came to a stop after crashing into a parked vehicle in Parking Lot A at Rio Hondo College.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about May 8, 2000 and October 3, 2000, you made false or misleading statements to IAB investigators when questioned about the shooting you were involved in at Rio Hondo Community College on March 8, 2000. Specifically, you gave false or misleading statements when you said you did not fire at the suspect vehicle after it went past you, crashed and then came to

rest.

3. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 8, 2000, you used poor tactics in attempting to arrest three auto burglary suspects in Parking Lot A at Rio Hondo Community College; specifically, you chose to abandon your position as part of the surveillance team and effect the arrest of three auto burglary suspects, without having the proper equipment on (protective vest and handcuffs), or notifying your assisting team members of your actions.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Kimberly C. Dandini of the Internal Affairs Bureau at (323) 890-5313, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Dennis H. Burns, Captain
Commander, Internal Affairs Bureau

DHB:kcd

c: Advocacy Unit
Employee Relations Unit
Kenneth L. Bayless, Chief, Field Operations Region III
Internal Affairs Bureau
(File # IAB 2007417)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2007417.***

3/6/1

DATE

DEBORAH TOMBOL, # [redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***DEBORAH TOMBOL.***

3-6-01

DATE

WITNESS SIGNATURE

WITNESS PRINT NAME

Please return this page within two (2) business days to:

Kimberly C. Dandini
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040
(323) 890-5313



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 27, 2001

Deputy Michael Galvan, #[redacted]

[redacted]

Dear Deputy Galvan:

On March 6, 2001, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2007417. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond, and did review the material on March 6, 2001. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days. However, pursuant to a settlement agreement between you and the Department, the Department has agreed to impose a salary step reduction equivalent to a thirty (30) day suspension. The said payroll amount to be deducted from your pay shall be $282.00 per month for a period of eleven (11) months and one (1) final payment of $270.69.

It should be noted, however, that all Departmental records will reflect that you received a thirty (30) day suspension.

An investigation under File Number IAB 2007417, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 8, 2000, you used poor tactics in attempting to arrest three auto burglary suspects in Parking Lot A at Rio Hondo Community College. Specifically, you chose to

abandon your position as part of the surveillance team and effect the arrest of three auto burglary suspects without having the proper equipment on (protective vest and handcuffs), or notifying your assisting team members of your actions.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Dennis H. Burns, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DHB:DHB:id

c: Advocacy Unit
Kenneth L. Bayless, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Men's Central Jail/Unit Personnel File

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2007417*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

4-27-01

DATE

MICHAEL GALVAN, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***MICHAEL GALVAN*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

4/27/01

DATE

WITNESS SIGNATURE

LT. SELLKE

WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

IMELDA DELGADO
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5311

In the Matter of the Discipline of)
) IAB # 2007417
Michael Galvan, Employee No. [redacted])
)
) **STIPULATED SETTLEMENT**
In his position of Deputy Sheriff)
Generalist for) **AGREEMENT**
)
the Los Angeles County Sheriff's Department)

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department and (hereinafter referred to as "Department") and Michael Galvan (hereinafter referred to as "Deputy Galvan").

RECITALS

The Department and Deputy Galvan are parties to the above referenced matter and desire to avoid litigation, and to settle all disputes and issues in said matter upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the Department and Deputy Galvan for and in consideration of the mutual covenants herein, agree as follows:

1. The Department will, upon execution of this agreement, issue a thirty (30) day suspension arising out of the Internal Affairs Investigation referenced by file number 2007417.

2. Both parties agree and understand that Deputy Galvan's records will reflect that the thirty (30) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline".

3. Any and all references to a violation of the Department's Manual of Policy and Procedures with respect to, Use of Force 3-01/040.75, Unreasonable force 3-01/025.10, Use of Firearms and Deadly Force 3-01/025.30, and Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations 3-01/040.75, will be deleted.

4. The Department's Manual of Policy and Procedures violation section of Performance to Standards 3-01/050.10, will be deemed founded.

5. Further, the Department will, upon execution of this agreement, impose a salary step reduction approximately equivalent to the monetary value of a thirty (30) day suspension. The step reduction shall be in lieu of Deputy Galvan serving a thirty (30) day suspension.

6. The Department agrees to recover the value of said reduction in the same manner as repayments of salary overpayment, without reducing Deputy Galvan's base pay rate.

7. Deputy Galvan agrees to accept and pay the value of said reduction within a twelve (12) month period in lieu of serving a thirty (30) day suspension. The said payroll deduction rate shall be $282.00 per month for eleven (11) months and one (1) final payment of $ 270.69.

8. Deputy Galvan shall waive any and all future administrative and/or judicial remedies involving or pertaining to this agreement, or the proposed discipline. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this Settlement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice.

10. In consideration of the terms and conditions set forth herein, Deputy Galvan agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Galvan concerning the subject matter referred herein, except of any workers compensation claim. Additionally, Deputy Galvan specifically waives claims regarding discrimination in any form, including, but not limited to, discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, or sex, and that he has no claim against the Department for any such discrimination.

11. Deputy Galvan further agrees to relinquish and expressly waives all rights conferred upon him by the provision of California Civil Code § 1542 which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

12. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Agreement, and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

13. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

14. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

15. The parties agree that the foregoing comprises the entire agreement between the parties and that there have been no other promises made by any party. Any modification of this agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Deputy Galvan, #[redacted] — Date: 4-24-01

Approved As To Form Only:

Helen Schwab, Attorney — Date: 4-24-01

For the Department:

Kenneth L. Bayless, Chief
Field Operations Region III — Date

14. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

15. The parties agree that the foregoing comprises the entire agreement between the parties and that there have been no other promises made by any party. Any modification of this agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Deputy Galvan, #[redacted] Date

Approved As To Form Only:

Helen Schwab, Attorney Date

For the Department:

Kenneth L. Bayless, Chief Date 4-24-01
Field Operations Region III



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

March 6, 2001

Deputy Michael Galvan, #[redacted]
[redacted]

Deputy Galvan:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on March 27, 2001.

An investigation under File Number IAB 2007417, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/025.00, Use of Force; and/or 3-01/025.10, Unreasonable Force; and/or 3-01/025.30, Use of Firearms and Deadly Force, on or about March 8, 2000, you used unnecessary deadly force when you attempted to stop a fleeing suspect; specifically, you did fire and continued to fire your duty weapon at the vehicle the suspect was driving, after the vehicle passed you and came to a stop when it crashed into a parked vehicle in Parking Lot A at Rio Hondo Community College.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about May 8, 2000 and October 3, 2000, you made false or misleading statements to IAB investigators when questioned about the shooting you were involved in at Rio Hondo Community College on March 8, 2000. Specifically, you gave false or misleading statements when you stated you did not shoot at the suspect vehicle after it passed you, or

when it crashed and came to rest, and that you had moved to the passenger side of the suspect vehicle as it drove at you, firing two rounds at it when it was parallel to you as it drove by.

3. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about March 8, 2000, you used poor tactics in attempting to arrest three auto burglary suspects in Parking Lot A at Rio Hondo Community College. Specifically, you chose to abandon your position as part of the surveillance team and effect the arrest of three auto burglary suspects without having the proper equipment on (protective vest and handcuffs), or notifying your assisting team members of your actions.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have been scheduled to meet with Chief Kenneth Bayless on March 20, 2001, at 1000 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 20, 2001, for your oral response, please call Chief Bayless' secretary at (323) 526-5712, by March 9, 2001, for an appointment.

If you choose to respond in writing, please call Chief Bayless' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Bayless' office by no later than March 20, 2001.

Pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Dennis H. Burns, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DHB:TC:lh

c: Advocacy Unit
Employee Relations Unit
Kenneth Bayless, Chief, FORIII
Internal Affairs Bureau
(File # 2007417)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2007417.***

03-06-01
Date

Michael Galvan, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***Michael Galvan.***

03-06-01
Date

WITNESS SIGNATURE

John T. Cleary
WITNESS PRINT

Please return this page within two (2) business days to:

INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5300

DISPOSITION WORKSHEET

Case Number: IAB 2007417
Subject: Deputy Michael Galvan, #[redacted]
Investigator: Sergeant Thomas T. Campbell
Advocate: Sergeant Michelle Debus

CASE SUMMARY:

On March 8, 2000, Deputies Michael Galvan and Deborah Tombol fired a total of 23 rounds from their duty weapons (Beretta 92F) at Suspect Francisco Reyes missing him, when Reyes allegedly tried to run down Deputy Galvan with a Ford Mustang in parking lot A at Rio Hondo Community College. Suspect Reyes was fleeing the scene of an auto burglary he and two other individuals had just committed when the shooting took place. Suspect Reyes and one of his accomplices were taken into custody at the scene. The third suspect managed to escape, but was later arrested by detective personnel at Pico Rivera Station. No one was injured as a result of the shooting. Physical evidence at the scene indicated that the suspect vehicle had been hit by gunfire after it had passed Deputies Galvan and Tombol and came to a stop after crashing into a truck parked in the parking lot and was no longer a threat to them. This physical evidence consisted of eight bullet strikes in the suspect vehicle from back to front, as well as bullet strikes in two other vehicles in the parking lot down range from Deputies Galvan and Tombol's position when the shooting occurred. During their interviews both Deputies Galvan and Tombol initially denied firing at the suspect vehicle after it had passed them, crashed and came to rest. They later changed their account in the interviews to indicate that they couldn't remember firing at the suspect vehicle after it passed them and crashed, and then finally admitted that they must have fired at the suspect vehicle after it passed them when confronted with proof provided by the Firearms Section of the Scientific Services Bureau. At the time the incident occurred, Deputies Galvan and Tombol were conducting a surveillance in the college parking lot, looking for auto burglary suspects. They were both attired in civilian clothes and did not have their protective vests with them, or handcuffs readily available for use.

DISPOSITION OF CHARGES

The following potential charges have been prepared by the Advocacy Services Unit. Please indicate your disposition of each potential charge, and put any additional founded charges (with references to the investigation) on an attached sheet.

Potential Charge #1:

That in violation of the Department's Manual of Policy and Procedures section(s) 3-01/025.00, Use of Force, and/or 3-01/025.10, Unreasonable Force, and/or 3-01/025.30, Use of Firearms and Deadly

Force, when on or about March 8, 2000, Subject Galvan used unnecessary deadly force when he attempted to stop a fleeing suspect. Specifically, Subject Galvan did fire and continued to fire his duty weapon at the vehicle the suspect was driving in after it passed him and came to a stop after crashing into a parked vehicle in parking lot A at Rio Hondo Community College.

Evidence Reference:

First IAB Interview of Senior Criminalist Mike Oto (04-05-00), pages 2 and 3, wherein he stated he found 13 bullet strikes in the body of the suspect vehicle and one bullet strike in the left rear tire. Wherein he stated at least five (5) of those bullet strikes were from back to front. Pages 2 and 8, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Page 6, wherein he stated four rounds entered the drivers side of the suspect vehicle from back to front and one round entered the rear bumper.

Second IAB Interview of Senior Criminalist Mike Oto (09-12-01), pages 2, 3, 4, 7 and 8, wherein he stated there were 14 bullets that hit the suspect vehicle. Of those 14 rounds that hit the suspect vehicle, 5 and possibly 6 rounds struck it from back to front, indicating that the suspect vehicle was driving away from Subjects Galvan and Tombol when they were shooting at it. Seven (7) bullets fired from Subject Galvan's duty weapon were recovered from the suspect vehicle. One (1) from the passenger side and (4) from the drivers side, three of which struck the suspect vehicle from a back to front direction. One (1) bullet was recovered from the left rear wheel (unknown from which direction the bullet entered the wheel). Pages 2 and 4, wherein he stated there was a second bullet strike in the passenger door and one bullet strike in the rear bumper (unknown from which weapon the rounds came from). Page 14, wherein he stated that there was physical evidence to show that shots were fired from back to front at the suspect vehicle by Subject Galvan. Pages 10 and 11, wherein he stated that the two bullet strikes on the right passenger door of the suspect vehicle **(Exhibit C-1)** probably were fired when the vehicle came to rest because they were so close together and perpendicular. Wherein he stated he didn't think Subject Galvan could fire two rounds fast enough at a moving vehicle and have them hit so perpendicular and close together.

IAB Interview of Senior Criminalist Richard Catalani, (09-12-00), pages 12 and 13, wherein he stated that there were definitely bullets impacts in the suspect vehicle from the rear to the front. Wherein he stated based on where the suspect vehicle came to rest, shots were fired at it by Subjects Galvan and Tombol from a north to south direction down range. Page 16, wherein he stated that several rounds fired from Subject Galvan's duty weapon struck the suspect vehicle from back to front. Wherein he stated that Seven (7) bullets fired from Subject Galvan's duty weapon were recovered from the suspect vehicle. One (1) from the passenger side and (4) from the drivers side, three of which struck the suspect vehicle from a back to front direction. One (1) bullet was recovered from the left rear wheel (unknown from which direction the bullet entered the wheel).

IAB Interview of Firearms Expert Deputy Jeff Walley 04-05-00), pages 8 and 9, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest.

IAB Interview of Suspect Francisco Reyes (03-08-00), pages 5, 6, 7, wherein he stated that as he drove past Subject Galvan and lost control of the vehicle he was fleeing in, he saw Subject Galvan shooting at him. Page 11, wherein he stated that after he crashed and it came to rest, he saw Subject Galvan shooting at him from a position directly in front of the victim's vehicle. Page 12, wherein he stated the windshield blew up and he could hear bullets hitting his car as Subject Galvan is shooting at him. Page 17, wherein he stated he was not trying to intentionally run down Subject Galvan.

IAB Interview of Suspect [redacted] (03-08-00), page 3 thru 7, 9 and 10, wherein he stated Subjects Galvan and Tombol started shooting at Suspect Reyes after he drove past them. Wherein he stated he was lying face down on the ground directly in front of the victim's vehicle with his Subject Galvan's foot in his back when the shooting started. Pages 9 and 10 wherein he stated Subject Galvan kept shooting at the Mustang after it crashed and came to rest. Page 12, wherein he said he did not see Subject Galvan fire his weapon at the Mustang as it drove at him. Page 13, wherein he stated Suspect Reyes never came close to running him and Subject Galvan down with the Mustang as it drove past them.

First IAB Interview of Subject Galvan (05-08-00), page 32 wherein he states he knows and understands Department Policy regarding shooting at fleeing vehicles. Page 37, wherein he stated the suspect vehicle did not pose a threat to either him or Subject Tombol after it crashed and came to rest. Wherein he said at that point the suspect vehicle appeared to be completely disabled.

Second IAB Interview of Subject Galvan (10-03-00), page 2, wherein he stated he might have fired as the suspect vehicle as it passed him and then crashed. Page 4, wherein he stated his first sequence of rounds were fired at the drivers side of the vehicle and not the front as stated in his first interview. Page 9, wherein he stated he fired at the suspect vehicle after it came to rest.

Exhibit A-1 thru A-3	Diagrams of shooting scene
Exhibits C-1 thru C-8	Photographs of the bullet strikes on the suspect vehicle
Exhibits D-1 thru D-3	Photographs of the suspect vehicle and the bullet strike on the tail gate of the black Suburban parked behind it.
Exhibits E-1 and E-2	Photographs of the bullet strikes in the Toyota Corolla parked next to the victim's vehicle.
Exhibits F-1 and F-2	Reports written by Firearms Examiner Mike Oto dated 03-10-00 and

03-29-00

Exhibit F-3	Ballistics test prepared by Firearms Examiner Mike Oto
Exhibit G	Firearms Worksheet prepared by Firearms Examiner James Carroll
Exhibit J	Supplemental Report written by Deputy Galvan
Exhibit K	Supplemental Report written by Deputy Tombol
Exhibit R	Use of Force Policy

Conflicting Evidence/Defenses:

First IAB Interview of Subject Galvan (05-08-00), page 22, wherein he stated Suspect Reyes jumped behind the wheel of the Mustang and drove straight at him and Suspect [redacted] at a high rate of speed. Wherein he stated he fired 5 rounds at Suspect Reyes because he thought Suspect Reyes was going to hit him and perhaps seriously injure or kill him. Wherein he stated he did not have time to get out of the way of Suspect Reyes' vehicle as it drove toward him. Pages 24, 25, wherein he stated he fired several rounds at the Mustang as it drove toward him and Suspect [redacted] a second time.

Second IAB Interview of Subject Galvan (10-03-00), pages 2 and 18, wherein he stated that he fired at the suspect vehicle as it initially drove toward him because he was in fear of his life. Wherein he stated he fired at the suspect vehicle the second time it came at him for the same reason. Page 3, wherein he stated Suspect Reyes still posed a threat to him and Subject Tombol after he crashed. Page 24, wherein he stated that the only time he fired at the suspect vehicle was when he perceived it as a threat.

First IAB Interview of Subject Tombol 05-08-00), page 37, wherein she stated she fired five rounds at the suspect vehicle the second time it came at Subject Galvan because she thought it was going to run him over.

IAB Interview of Suspect Francisco Reyes (03-08-00), pages 5, 6, 7, and 20, wherein he stated he almost ran over Subject Galvan and Suspect [redacted] who Subject Galvan had at gunpoint on the ground, while trying to escape from parking lot A. Page 12, wherein he stated Subject Galvan shot at him as he drove toward him and heard bullets hitting the Mustang and air escaping from one of the tires after being hit by a bullet.

Exhibit J	Supplemental Report written by Deputy Galvan

Disposition of Charge #1:

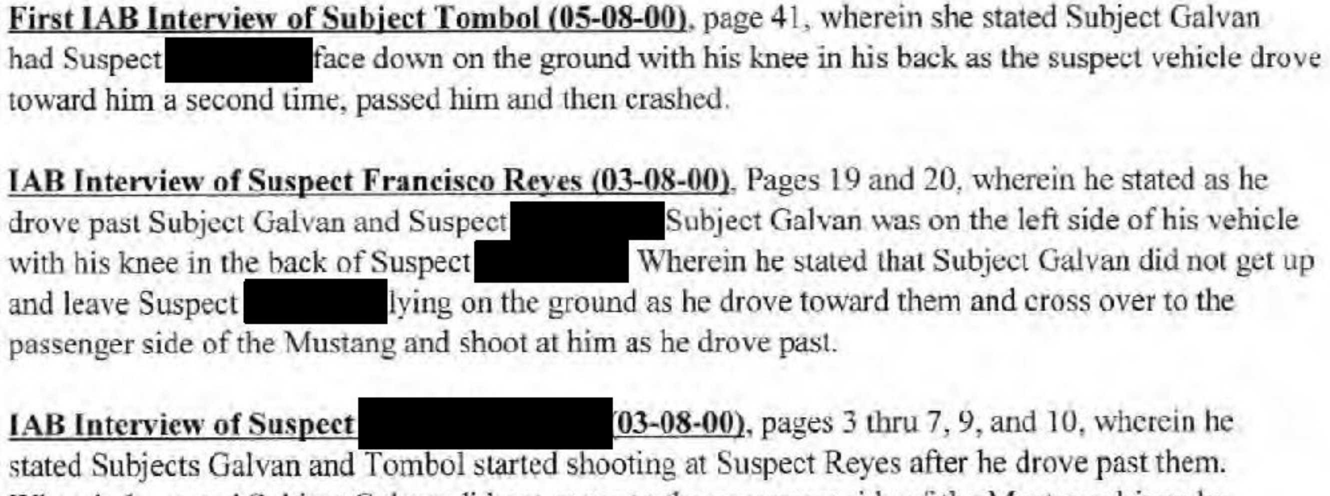
✓ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Potential Charge #2:
That in violation of the Department's Manual of Policy and Procedures section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, when on or about May 8, 2000, and October3, 2000, Subject Galvanl made false or misleading statements to IAB Investigators when questioned about the shooting he was involved in at Rio Hondo Community College on March 8, 2000. Specifically, Subject Galvan gave false or misleading statements when he stated he did not shoot at the suspect vehicle after it passed him or when it crashed and came to rest, and that he had moved to the passenger side of the suspect vehicle as it drove at him and fired two rounds at it when it was parallel to him as it drove by.

Evidence Reference:

First IAB Interview of Subject Galvan (05-08-00), page 26,wherein he stated as the suspect vehicle drove toward him a second time, he left Suspect [redacted] lying face down on the ground in front of the victim's vehicle and moved to the passenger side of the suspect vehicle and fired at it. Pages 27, 29 and 31, wherein he stated he did not fire at the suspect vehicle as it passed him. Page 28, wherein he stated he did not fire at the suspect vehicle after it crashed and came to rest. Page 30, wherein he states he cannot account for any of the rounds fired into the driver's side of the suspect vehicle from back to front. Wherein he stated he did not see Subject Tombol shoot at the suspect vehicle after it crashed and came to rest.

Second IAB Interview of Subject Galvan (10-03-00), pages 2, 6, 22 and 23, wherein he stated he stated the bullet strikes found on the drivers side of the suspect vehicle that went from back to front must have happened when he fired at it fishtailed as it initially drove toward him and drove northbound away from him. Page 7, wherein he stated he is not sure if he moved to the passenger side of the suspect vehicle as it drove toward him the second time and fired at it as it drove past him. Page 18, wherein he stated that he shot the remainder of the bullets in his weapon at the suspect vehicle when it came at him the second time. Page 20, wherein he stated he does not remember shooting at the suspect vehicle after it crashed and came to rest. Page 24, wherein he stated he doesn't remember shooting at the suspect vehicle after it drove past him. Wherein he stated he doesn't remember firing at the passenger door of the suspect vehicle as it drove past him.



First IAB Interview of Subject Tombol (05-08-00), page 41, wherein she stated Subject Galvan had Suspect [redacted] face down on the ground with his knee in his back as the suspect vehicle drove toward him a second time, passed him and then crashed.

IAB Interview of Suspect Francisco Reyes (03-08-00), Pages 19 and 20, wherein he stated as he drove past Subject Galvan and Suspect [redacted] Subject Galvan was on the left side of his vehicle with his knee in the back of Suspect [redacted] Wherein he stated that Subject Galvan did not get up and leave Suspect [redacted] lying on the ground as he drove toward them and cross over to the passenger side of the Mustang and shoot at him as he drove past.

IAB Interview of Suspect [redacted] 03-08-00), pages 3 thru 7, 9, and 10, wherein he stated Subjects Galvan and Tombol started shooting at Suspect Reyes after he drove past them. Wherein he stated Subject Galvan did not move to the passenger side of the Mustang driven by Suspect Reyes and shoot at it prior to it driving past him. Wherein he stated he was lying face down on the ground directly in front of the victim's with his Subject Galvan's foot in his back when the shooting started. Pages 9, 10 wherein he stated Subject Galvan kept shooting at the Mustang after it crashed and came to rest. Page 12, wherein he said he did not see Subject Galvan fire his weapon at the Mustang as it drove at him. Page 13, wherein he stated Suspect Reyes never came close to running him and Subject Galvan down with the Mustang as it drove past them.

First IAB Interview of Senior Criminalist Mike Oto (04-05-00), pages 2 and 3, wherein he stated five (5) rounds struck the suspect vehicle from back to front on the drivers side. Pages 2 and 8, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Page 6, wherein he stated one round struck the rear bumper of the suspect vehicle.

Second IAB Interview of Senior Criminalist Mike Oto (09-12-01), pages 2, 3, 4, 7 and 8, wherein he stated 5 and possibly 6 rounds struck the suspect vehcile from back to front, indicating that the suspect vehicle was driving away from Subjects Galvan and Tombol when they were shooting at it. Page 14, wherein he stated that there was physical evidence to show that shots were fired from back to front at the suspect vehicle by Subject Galvan. Pages 10 and 11, wherein he stated that the two bullet strikes on the right passenger door of the suspect vehicle **(Exhibit C-1)** probably were fired when the vehicle came to rest because they were so close together and perpendicular. Wherein he stated he didn't think Subject Galvan could fire two rounds fast enough at a moving vehicle and have them hit so perpendicular and close together.

IAB Interview of Senior Criminalist Richard Catalani, (09-12-00), pages 12 and 13, wherein he stated that there were definitely bullets impacts in the suspect vehicle from the rear to the front. Wherein he stated based on where the suspect vehicle came to rest, shots were fired at it by Subjects Galvan and Tombol from a north to south direction down range. Page 16, wherein he stated that several rounds fired from Subject Galvan's duty weapon struck the suspect vehicle from back to front.

IAB Interview of Firearms Expert Deputy Jeff Walley 04-05-00), pages 8 and 9, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest.

Exhibit A-1	Diagram of shooting scene
Exhibits C-1 thru C-8	Photographs of the bullet strikes on the suspect vehicle
Exhibits D-1 thru D-3	Photographs of the suspect vehicle and the bullet strike on the tail gate of the black Suburban parked behind it.
Exhibits F-1 and F-2	Reports written by Firearms Examiner Mike Oto dated 03-10-00 and 03-29-00
Exhibit F-3	Ballistics test prepared by Firearms Examiner Mike Oto
Exhibit G	Firearms Worksheet prepared by Firearms Examiner James Carroll
Exhibit J	Supplemental Report written by Deputy Galvan

Conflicting Evidence/Defenses:

First IAB Interview of Subject Galven (05-08-00), page 28, wherein he stated that he might have fired at the suspect vehicle as it drove past him.

Second IAB Interview of Subject Galvan (10-03-00), pages 6 and 7, wherein he stated he was not sure if he shot at the suspect vehicle as it drove past him. Wherein he stated he isn't sure if he fired at the suspect vehicle after it crashed and came to rest. Page 7 wherein he stated he initially fired at the suspect vehicle as it fishtailed toward him. Page 9, wherein he stated he fired at the suspect vehicle after it came to rest. Page 24, wherein he stated that the only time he fired at the suspect vehicle was when he perceived it as a threat.

Exhibit J	Supplemental Report written by Deputy Galvan

Disposition of Charge #2:

_✓_ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Potential Charge #3:
That in violation of the Department's Manual of Policy and Procedures Section 3-01/050.10, (Performance to Standards - Tactics), Subject Galvan, on or about March 8, 2000, used poor tactics in attempting to arrest three auto burglary suspects in parking lot A at Rio Hondo Community College, Specifically, Subject Galvan chose to abandon his position as part of the surveillance team and effect the arrest of three auto burglary the suspects without having the proper equipment on (protective vest and handcuffs), or notifying his assisting team members of his actions.

Evidence Reference:

First IAB Interview of Subject Galvan (05-08-00), pages 3, and 5, wherein he stated he and Subject Tombol were to conduct surveillance only and not make an arrest. Page 4, wherein he stated Deputy Shaw was supposed to make the arrest of the burglary suspects. Page 8, wherein he stated he did not have his protective vest with him. Page 13, wherein he stated he and Subject Tombol decided to abandon their original plan and detain the burglary suspects at gun point. Page 19, wherein he stated he did not know where Subject Tombol was when he detained Suspect [redacted] on the ground. Pages 32 and 33, wherein he stated he fired 16 rounds at the suspect vehicle and doesn't know where all of them went.

IAB Interview of Deputy Shaw (04-18-00), pages, 2, 3, 5, 6, 8, 10, and 13, wherein he stated Subjects Galvan and Tombol as the surveillance team were only supposed to watch the suspects commit the auto burglary, while he dressed in his COPS Team uniform and in a marked patrol unit, was going to effect the arrest. Wherein he stated Subjects Galvan and Tombol attempted to arrest the auto burglary suspects without first notifying him and the other assisting units at the scene of their intention to do so. Pages 9 and 10, wherein he stated Subjects Galvan and Tombol told him they should not have given up the surveillance position and tried to arrest the auto burglary suspects.

IAB Interview of Deputy Nancy Clark (11-07-00), pages 2, 3, and 4, where in she stated that on March 8, 2000, she was the Pico Rivera Station Dispatcher and neither Subject Galvan or Subject Tombol told her that they were going up to Rio Hondo Community College to conduct a directed patrol mission. Wherein she stated she doesn't remember anybody from the COPS Team telling her that they were going to Rio Hondo Community College to conduct a directed patrol mission. Wherein she stated the only way that she knew the COPS Team was even up at Rio Hondo Community College was because she heard them talking to each other over the radio.

IAB Interview of Suspect Francisco Reyes (03-08-00), Page 14, wherein he stated Subjects Galvan and Tombol did not have handcuffs with them when they took him out of the Mustang. Wherein he stated he laid on the ground with his hands behind his back for several minutes before another male deputy arrived on the scene and handcuffed him.

Exhibit J Supplemental Report written by Deputy Galvan

Conflicting Evidence/Defenses:

IAB Interview of Subject Galvan (03-08-00), pages 13, 14 and 17, wherein he stated he and Subject Tombol decided to detain the burglary suspects because he thought they were going to commit the burglary and get away before their backup units could arrive and arrest them. Wherein he stated he did not want to get involved in a vehicle pursuit of the suspects. Page 26, wherein he stated he did not try to get out of the way of the Mustang as it approached him the second time because he was afraid that he would be crushed between two cars. Page 35 wherein he stated that his handcuffs and radio were in his back pack when he and Subject Tombol confronted the suspects and tried to detain them.

IAB Interview of Deputy Shaw 04-18-00), page 4, wherein he stated he told the Station Dispatcher, Deputy Nancy Clark, that he and the other COPS Teams members would be up at Rio Hondo Community College doing a directed patrol mission.

Disposition of Charge #3:

_✓_ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Discipline Assessment

Review of Applicable "Guidelines for Discipline" Section:
The Department's "Guidelines for Discipline" (Revised July 1, 1996) lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
Use of significant unreasonable force	10 Days Suspension to Discharge	See Note #1
Untruthful or misleading statements during internal investigations	15 to 25 Days Suspension	See Note #1
Performance to Standards	---------------	See Notes #3 & #4

SPECIAL NOTES

Note #1 As noted elsewhere in these Guidelines, discipline is expected to be within the standard range in most cases. In the event circumstances warrant a downward adjustment to a penalty less than the standard range, the indicated offenses may not be reduced below a five (5) day suspension

Note #3 In addition, performance issues my be addressed by the personnel performance evaluation system. See Civil Service Rule 20. Those rules provide that an employee must be discharged as a result of an unsatisfactory evaluation.

Note #4 The standard discipline for this section can range from a written reprimand to discharge, based on the evaluation of the totality of the circumstances.

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the Subject's response or grievance.

_✓_ **Discharge**
____ **Reduction in Rank**
____ **Suspension with loss of pay and benefits for ____ days**
____ **Written Reprimand**
____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The attached pages describe the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent
Past Performance
Degree of Culpability
Disciplinary History
Truthfulness
Severity of Infraction
Acceptance of Responsibility
Other Factors

Management has considered the Subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to this disposition worksheet.

Assessment of Mitigating and Aggravating Factors

Subject: Deputy Michael Galvan [redacted]

Severity of Infraction:

Making false statements during a departmental internal investigation is an exceptionally serious offense warranting discharge. The subject was given several opportunities to tell the truth during questioning by IAB investigators. However, on at least two occasions, the subject told the investigators that he had not fired his weapon at the suspect's vehicle after it passed his position.

Intent, Truthfulness, and Acceptance of Responsibility:

During the investigation, the subject was less than candid in his explanation as to what actually occurred during the incident. He did not take full responsibility for his actions, consequently, his statements were inconsistent with the physical evidence.

Degree of Culpability:

The subject and his partner, Subject Tombol, were equally responsible for their poor judgement and subsequent actions.

Past Performance and Disciplinary History:

The subject has been a Deputy sheriff for 10 years and 8 months. [redacted] During the past three years he has received [redacted] as well as several commendations from the public and his supervisors.

DISPOSITION WORKSHEET

Case Number: IAB 2007417
Subject: Deputy Deborah Tombol, #[redacted]
Investigator: Sergeant Thomas T. Campbell
Advocate: Sergeant Michelle Debus

CASE SUMMARY:

On March 8, 2000, Deputies Michael Galvan and Deborah Tombol fired a total of 23 rounds from their duty weapons (Beretta 92F) at Suspect Francisco Reyes missing him, when Reyes allegedly tried to run down Deputy Galvan with a Ford Mustang in parking lot A at Rio Hondo Community College. Suspect Reyes was fleeing the scene of an auto burglary he and two other individuals had just committed when the shooting took place. Suspect Reyes and one of his accomplices were taken into custody at the scene. The third suspect managed to escape, but was later arrested by detective personnel at Pico Rivera Station. No one was injured as a result of the shooting. Physical evidence at the scene indicated that the suspect vehicle had been hit by gunfire after it had passed Deputies Galvan and Tombol and came to a stop after crashing into a truck parked in the parking lot and was no longer a threat to them. This physical evidence consisted of eight bullet strikes in the suspect vehicle from back to front, as well as bullet strikes in two other vehicles in the parking lot down range from Deputies Galvan and Tombol's position when the shooting occurred. During their interviews both Deputies Galvan and Tombol initially denied firing at the suspect vehicle after it had passed them, crashed and came to rest. They later changed their account in the interviews to indicate that they couldn't remember firing at the suspect vehicle after it passed them and crashed, and then finally admitted that they must have fired at the suspect vehicle after it passed them when confronted with proof provided by the Firearms Section of the Scientific Services Bureau. At the time the incident occurred, Deputies Galvan and Tombol were conducting a surveillance in the college parking lot, looking for auto burglary suspects. They were both attired in civilian clothes and did not have their protective vests with them, or handcuffs readily available for use.

DISPOSITION OF CHARGES

The following potential charges have been prepared by the Advocacy Services Unit. Please indicate your disposition of each potential charge, and put any additional founded charges (with references to the investigation) on an attached sheet.

Potential Charge #1:
That in violation of the Department's Manual of Policy and Procedures sections 3-01/025.00, Use of Force, and/or 3-01/025.10, Unreasonable Force, and/or 3-01/025.30, Use of Firearms and Deadly

Force, when on or about March 8, 2000, Subject Tombol used unnecessary deadly force when she attempted to stop a fleeing suspect. Specifically, Subject Tombol did fire and continued to fire her duty weapon at the vehicle the suspect was driving in after it passed her and came to a stop after crashing into a parked vehicle in parking lot A at Rio Hondo Community College.

Evidence Reference:

First IAB Interview of Senior Criminalist Mike Oto (04-05-00), pages 2 and 3, wherein he stated he found 13 bullet strikes in the body of the suspect vehicle and one bullet strike in the left rear tire. Wherein he stated at least five (5) of those bullet strikes were from back to front. Pages 2 and 8, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Page 6, wherein he stated four rounds entered the drivers side of the suspect vehicle from back to front and one round entered the rear bumper.

Second IAB Interview of Senior Criminalist Mike Oto (09-12-00), pages 5 and 6, wherein he stated the two rounds recovered from the Toyota Corolla (license [redacted] parked south of the victim's vehicle were fired from Subject Tombol's duty weapon. Those two bullets entered the Wherein he stated one (1) expended round from Subject Tombol's duty weapon was found on the right front floor board inside the suspect vehicle. Wherein he believes that recovered round was probably from the through and through strike on the passenger door of the suspect vehicle **(Exhibit C-1)**. Pages 10 and 11, wherein he stated that the two bullet strikes on the right passenger door of the suspect vehicle **(Exhibit C-1)** probably were fired when the vehicle came to rest because they were so close together and perpendicular. Wherein he stated he didn't think Subject Galvan could fire two rounds fast enough at a moving vehicle and have them hit so perpendicular.

IAB Interview of Senior Criminalist Richard Catalani, (09-12-00), pages 12 and 13, wherein he stated that there were definitely bullets impacts in the suspect vehicle from the rear to the front. Wherein he stated based on where the suspect vehicle came to rest, shots were fired at it by Subjects Galvan and Tombol from a north to south direction. Page 15, wherein he stated the bullets recovered from the Toyota Corolla were fired from Subject Tombol's weapon and that based on where she said she was standing when she fired those rounds at the suspect vehicle, it was down range from her when she fired those rounds **(refer to Exhibit F-3 for further details)**.

IAB Interview of Firearms Expert Deputy Jeff Walley 04-05-00), pages 8 and 9, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Pages 10, 11, wherein he stated there were two bullet strikes in the Toyota Corolla parked south of the victim's vehicle. Wherein he stated the bullets entered the left rear quarter panel next to the tail light, and the right rear tail light respectively, and then lodged in the right rear quarter panel **(Exhibits E-1 & E-2)** and appeared to have been fired from a north to south direction.

IAB Interview of Suspect Francisco Reyes (03-08-00), pages 5, 6 and 7, wherein he stated that as he crashed, he heard Subjects Galvan and Tombol shooting at him. Page 17, wherein he stated he was not trying to intentionally run down Subject Galvan.

IAB Interview of Suspect [redacted] (03-08-00), page 3 thru 7, 9 and 10, wherein he stated Subjects Galvan and Tombol started shooting at Suspect Reyes after he drove past them. Wherein he stated he was lying face down on the ground directly in front of the victim's vehicle with Subject Galvan's foot in his back when the shooting started. Pages 9 and 10 wherein he stated Subject Tombol kept shooting at the Mustang after it crashed and came to rest. Page 12, wherein he said he did not see Subject Tombol fire her weapon at the Mustang as it drove toward Subject Galvan. Page 13, wherein he stated Suspect Reyes never came close to running him and Subject Galvan down with the Mustang as it drove past them.

Second IAB Interview of Subject Tombol (10-03-00), page 5, wherein she stated it is possible that she fired at the suspect vehicle after it passed her, crashed and came to rest.

Exhibits A-1 thru A-3	Diagrams of shooting scene
Exhibits C-1 thru C-8	Photographs of the bullet strikes on the suspect vehicle
Exhibits D-1 thru D-3	Photographs of the suspect vehicle and the bullet strike on the tail gate of the black Suburban parked behind it.
Exhibits E-1 and E-2	Photographs of the bullet strikes in the Toyota Corolla parked next to the victim's vehicle.
Exhibits F-1 and F-2	Reports written by Firearms Examiner Mike Oto dated 03-10-00 and 03-29-00
Exhibit F-3	Ballistics test prepared by Firearms Examiner Mike Oto
Exhibit G	Firearms Worksheet prepared by Firearms Examiner James Carroll
Exhibit J	Supplemental Report written by Deputy Galvan
Exhibit K	Supplemental Report written by Deputy Tombol
Exhibit R	Use of Force Policy

Conflicting Evidence/Defenses:

First IAB Interview of Subject Tombol (03-08-00), pages 36 and 37, wherein she stated shot at the suspect vehicle the second time it came at Subject Galvan because she thought it was going to run him over. Pages 38, wherein she stated she continued to fire at the suspect vehicle when it was parallel to her and Subject Galvan. Pages 39, 45, 46, wherein she stated she does not remember firing any rounds at the suspect vehicle after it passed her position and then crashed and came to rest.

Second IAB Interview of Subject Tombol (10-03-00), pages 2, 3, 4, and 5, wherein she stated she only fired at the suspect vehicle when it was a threat to Subject Galvan and drove directly at him a second time. Wherein she stated she doesn't remember when she stopped firing at the suspect vehicle. Wherein she stated it is possible that she fired at the suspect vehicle after it passed her and went down range.

IAB Interview of Suspect Francisco Reyes (03-08-00), pages 5, 6, and 7, wherein he stated he almost ran over Subject Galvan and Suspect [redacted] who Subject Galvan had at gunpoint on the ground, while trying to escape from parking lot A.

Disposition of Charge #1:

_✓_ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Potential Charge #2:
That in violation of the Department's Manual of Policy and Procedures section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, when on or about May 8, 2000, and October3, 2000, Subject Tombol made false or misleading statements to IAB Investigators when questioned about the shooting she was involved in at Rio Hondo Community College on March 8, 2000. Specifically, Subject Tombol gave false or misleading statements when she said she did not fire at the suspect vehicle after it went past her, crashed, and came to rest.

Evidence Reference:

First IAB Interview of Subject Tombol (03-08-00), pages 38, 39, 45, and 46, wherein she stated she doesn't remember shooting at the suspect vehicle after it passed her position and then crashed and came to rest. Wherein she stated she doesn't know who fired the rounds that hit the rear end of the Toyota Corolla that was parked south and down range from her position. Page 40, wherein she stated she did not see Subject Galvan shoot at the suspect vehicle after it passed him and crashed.

Second IAB Interview of Subject Tombol (10-03-00), pages 2, 3, and 4, wherein she stated she only fired at the suspect vehicle when it was a threat to Subject Galvan and drove at him a second time. Page 5, wherein she stated it is possible that she fired at the suspect vehicle after it passed her and went down range.

IAB Interview of Suspect Francisco Reyes (03-08-00), pages 5, 6 and 7, wherein he stated that as he crashed, he heard Subjects Galvan and Tombol shooting at him.

IAB Interview of Suspect [redacted] (03-08-00), pages 3 thru 7, 9 and 10, wherein he stated Subjects Galvan and Tombol started shooting at Suspect Reyes after he drove past them. Wherein he stated he was lying face down on the ground directly in front of the victim's with his Subject Galvan's foot in his back when the shooting started. Pages 9 and 10 wherein he stated Subject Tombol kept shooting at the Mustang after it crashed and came to rest. Page 12, wherein he said he did not see Subject Tombol fire her weapon at the Mustang as it drove toward Subject Galvan. Page 13, wherein he stated Suspect Reyes never came close to running him and Subject Galvan down with the Mustang as it drove past them.

First IAB Interview of Senior Criminalist Mike Oto (04-05-00), pages 2 and 3, wherein he stated five (5) rounds struck the suspect vehicle from back to front on the drivers side. Pages 2 and 8, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Page 6, wherein he stated one round struck the rear bumper of the suspect vehicle.

Second IAB Interview of Senior Criminalist Mike Oto (09-12-01), pages 2, 3, 4, 7 and 8, wherein he stated 5 and possibly 6 rounds struck the suspect vehcile from back to front, indicating that the suspect vehicle was driving away from Subjects Galvan and Tombol when they were shooting at it. Pages 5, 6, wherein he stated the two rounds recovered from the Toyota Corolla (license [redacted] parked south of the victim's vehicle were fired from Subject Tombol's duty weapon. Wherein he stated one (1) expended round from Subject Tombol's duty weapon was found on the right front floor board inside the suspect vehicle. Wherein he believes that recovered round was probably from the through and through strike on the passenger door of the suspect vehicle **(Exhibit C-1)**. Pages 10 and 11, wherein he stated that the two bullet strikes on the right passenger door of the suspect vehicle **(Exhibit C-1)** probably were fired when the vehicle came to rest because they were so close together and perpendicular. Wherein he stated he didn't think Subject Galvan could fire two rounds fast enough at a moving vehicle and have them hit so perpendicular.

IAB Interview of Senior Criminalist Richard Catalani, (09-12-00), pages 12 and 13, wherein he stated that there were definitely bullets impacts in the suspect vehicle from the rear to the front. Wherein he stated based on where the suspect vehicle came to rest, shots were fired at it by Subjects Galvan and Tombol from a north to south direction down range. Page 15, wherein he stated the bullets recovered from the Toyota Corolla were fired from Subject Tombol's weapon and that based on

where she said she was standing when she fired those rounds at the suspect vehicle, it was down range from her when she fired those rounds **(refer to Exhibit F-3 for further details)**.

IAB Interview of Firearms Expert Deputy Jeff Walley 04-05-00), pages 8 and 9, wherein he stated there was a bullet strike in the tail gate of a black Suburban that was parked directly behind the suspect vehicle after it came to rest. Pages 10, 11, wherein he stated there were two bullet strikes in the Toyota Corolla parked south of the victim's vehicle. Wherein he stated the bullets entered the left rear quarter panel next to the tail light, and the right rear tail light respectively, and then lodged in the right rear quarter panel **(Exhibits E-1 & E-2)** and appeared to have been fired from a north to south direction.

Exhibit C-1	Photographs of the two bullet strikes on the right side of the suspect vehicle
Exhibits D-1 thru D-3	Photographs of the suspect vehicle and the bullet strike on the tail gait of the black Suburban parked behind it.
Exhibits E-1 and E-2	Photographs of the bullet strikes in the Toyota Corolla parked next to the victim's vehicle.
Exhibits F-1 and F-2	Reports written by Firearms Examiner Mike Oto dated 03-10-00 and 03-29-00
Exhibit F-3	Ballistics test prepared by Firearms Examiner Mike Oto
Exhibit G	Firearms Worksheet prepared by Firearms Examiner James Carroll
Exhibit K	Supplemental Report written by Deputy Tombol

Conflicting Evidence/Defenses:

First IAB Interview of Subject Tombol (03-08-00 and 10-03-00), pages 38, 39, 45, and 46, wherein she stated she doesn't remember shooting at the suspect vehicle after it passed her position and then crashed and came to rest. Wherein she stated she doesn't know who fired the rounds that hit the rear end of the Toyota Corolla that was parked south and down range from her position. Page 40, wherein she stated she did not see Subject Galvan shoot at the suspect vehicle after it passed him and crashed.

Second Interview of Subject Tombol (10-03-00), pages 2, 3, and 4, wherein she stated she only fired at the suspect vehicle when it was a threat to Subject Galvan and drove at him a second time. Page 5, wherein she stated it is possible that she fired at the suspect vehicle after it passed her and went

down range.

Disposition of Charge #2:

_√_ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Potential Charge #3:

That in violation of the Department's Manual of Policy and Procedures Section 3-01/050.10, (Performance to Standards - Tactics), Subject Galvan, on or about March 8, 2000, used poor tactics in attempting to arrest three auto burglary suspects in parking lot A at Rio Hondo Community College, Specifically, Subject Tombol chose to abandon her position as part of the surveillance team and effect the arrest of three auto burglary the suspects without having the proper equipment on (protective vest and handcuffs), or notifying her assisting team members of her actions.

Evidence Reference:

First IAB Interview of Subject Tombol (03-08-00), pages 3, 4, and 6, wherein she stated she and Subject Galvan were one of two surveillance units and Deputy Shaw, who was in uniform and driving a marked patrol vehicle, was the take down car. Page 6, wherein she stated she did not have her protective vest with her at the time. Pages 12, 19, and 51, wherein she stated she and Subject Galvan were not supposed to effect the arrest of any suspects, only watch them commit the crime and then notify their take down unit who would then effect the arrest. Pages 20, 21, and 48, wherein she stated she and Subject Galvan decided to detain the suspects until their assisting units arrived at the scene. Page 22, wherein she stated she did not know where her backup units were when she and Subject Galvan decided to detain the suspects. Page 49, wherein she stated neither she nor Subject Galvan notified their assiting units that they were going to detain the suspects. Page 25, wherein she stated neither she nor Subject Galvan told the Pico Rivera Dispatcher that they had witnessed an auto burglary and were going to detain the suspects. Pages 29 and 30, wherein she stated that as soon as she saw a third suspect hiding in the back seat of the suspect vehicle and diverted her attention to him, the second suspect she was trying to detain at gunpoint ran from her. Page 32, wherein she stated that when she turned and yelled at the second suspect to stop running from her, the third suspect in the back seat jumped into the front seat of the suspect vehicle and drove off. Wherein she stated she did not see in which direction the suspect vehicle went because she was watching the second suspect who had run from her. Page 33, wherein she stated she heard shots fired as she watched the second suspect run from her. Page 34, wherein she stated she continued to look for the second suspect who ran from her even after she heard shots fired. Page 35, wherein she stated she did not initially know who fired those rounds.

Second IAB Interview of Subject Tombol (10-03-00). Page 5, wherein she stated she has no recollection of where the 7 rounds went that she fired at the suspect vehicle.

IAB Interview of Deputy Shaw (04-18-00), pages, 2, 3, 5, 6, 8, 10, and 13, wherein he stated Subjects Galvan and Tombol as the surveillance team were only supposed to watch the suspects commit the auto burglary, while he dressed in his COPS Team uniform and in a marked patrol unit, was going to effect the arrest. Wherein he stated Subjects Galvan and Tombol attempted to arrest the auto burglary suspects without first notifying him and the other assisting units at the scene of their intention to do so. Pages 9 and 10, wherein he stated Subjects Galvan and Tombol told him they should not have given up the surveillance position and tried to arrest the auto burglary suspects.

IAB Interview of Deputy Nancy Clark (11-07-00), pages 2, 3, and 4, where in she stated that on March 8, 2000, she was the Pico Rivera Station Dispatcher and neither Subject Galvan or Subject Tombol told her that they were going up to Rio Hondo Community College to conduct a directed patrol mission. Wherein she stated she doesn't remember anybody from the COPS Team telling her that they were going to Rio Hondo Community College to conduct a directed patrol mission. Wherein she stated the only way that she knew the COPS Team was even up at Rio Hondo Community College was because she heard them talking to each other over the radio.

IAB Interview of Suspect Francisco Reyes (03-08-00), page 14, wherein he stated Subjects Galvan and Tombol did not have handcuffs with them when they took him out of the Mustang. Wherein he stated he laid on the ground with his hands behind his back for several minutes before another male deputy arrived on the scene and handcuffed him.

Exhibit K

Conflicting Evidence/Defenses:

First IAB Interview of Subject Tombol (03-08-00), pages 53 and 54, wherein she stated she and Subject Galvan decided to detain the suspects because they didn't want them to escape and become involved in a vehicle pursuit. Page 34 , wherein she stated continued to watch the second suspect that ran from here after she heard shots being fired so she could put out a broadcast of his description and last seen direction.

Second IAB Interview of Subject Tombol (10-03-00), page 2, wherein she stated she only fired at the suspect vehicle when it was a direct threat to Subject Galvan.

IAB Interview of Deputy Shaw 04-18-00), page 4, wherein he stated he told the Station Dispatcher, Deputy Nancy Clark, that he and the other COPS Teams members would be up at Rio Hondo Community College doing a directed patrol mission.

Disposition of Charge #3:

_✓_ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Discipline Assessment

Review of Applicable "Guidelines for Discipline" Section:
The Department's "Guidelines for Discipline" (Revised July 1, 1996) lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
Use of significant unreasonable force	10 Days Suspension to Discharge	See Note #1
Untruthful or misleading statements during internal investigations	15 to 25 Days Suspension	See Note #1
Performance to Standards	---------------	See Notes #3 & #4

SPECIAL NOTES

Note #1 As noted elsewhere in these Guidelines, discipline is expected to be within the standard range in most cases. In the event circumstances warrant a downward adjustment to a penalty less than the standard range, the indicated offenses may not be reduced below a five (5) day suspension

Note #3 In addition, performance issues my be addressed by the personnel performance evaluation system. See Civil Service Rule 20. Those rules provide that an employee must be discharged as a result of an unsatisfactory evaluation.

Note #4 The standard discipline for this section can range from a written reprimand to discharge, based on the evaluation of the totality of the circumstances.

Determination of Discipline:
Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the Subject's

response or grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__✓__ **Suspension with loss of pay and benefits for __30__ days**
_____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:
The attached pages describe the mitigating and aggravating factors in determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the Subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to this disposition worksheet.

Assessment of Mitigating and Aggravating Factors

Subject: **Deputy Deborah Tombol [redacted]**

Severity of Infraction:

Making false statements during a departmental internal investigation is an exceptionally serious offense warranting discharge. Here, the offense was mitigated by a number of factors described below.

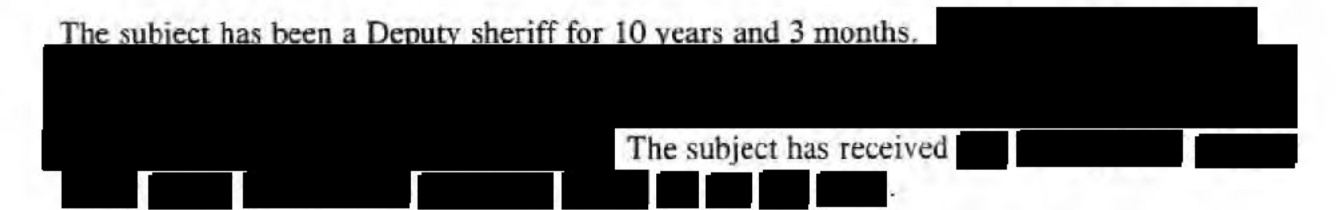
Intent, Truthfulness, and Acceptance of Responsibility:

When questioned by IAB investigators regarding shooting at a fleeing vehicle when it no longer posed a threat, the subject repeatedly stated that she had no recollection of shooting at the suspect's vehicle after it passed her position. She also stated that she could not remember who fired the rounds that hit the back of the Toyota Corolla parked down range from her position . She added that she only remembers firing at the suspect's vehicle when it was a threat to her partner, Subject Galvan.

Degree of Culpability:

The subject and her partner, Subject Galvan, were equally responsible for their poor judgement and subsequent actions.

Past Performance and Disciplinary History:


The subject has been a Deputy sheriff for 10 years and 3 months. [redacted] The subject has received [redacted].

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DATE: March 1, 2001

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
PERSONNEL AND TRAINING DIVISION

TO: JUAN RODRIGUEZ, CAPTAIN
PICO RIVERA STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, MARCH 8, 2000 , IAB INVESTIGATION #2007417**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the non-hit shooting incident which occurred on March 8, 2000.

The Committee met on March 1, 2001 and consisted of myself, Commanders Michael Kenyon (Commander of the Department), and David Betkey (Commander of the Department). The Committee deemed:

- as founded the allegation that Deputy Michael Galvan #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/025.10, Unreasonable Force, and/or 3-01/025.30, Use of Firearms and Deadly Force, and
- as founded the allegation that Deputy Michael Galvan #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, and
- as founded the allegation that Deputy Michael Galvan #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards - Tactics, and
- as founded the allegation that Deputy Deborah Tombol #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/025.10, Unreasonable Force, and/or 3-01/025.30, Use of Firearms and Deadly Force, and
- as founded the allegation that Deputy Deborah Tombol #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, and
- as founded the allegation that Deputy Deborah Tombol #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards - Tactics.

RLC:KRK:kk

TABLE OF CONTENTS

B-3	Photographs of the spent bullet casings fired from Deputies Galvan and Tombol's duty weapons
C-1	Photographs of the two bullet strikes on the right side of the suspect vehicle
C-2	Photographs of the bullet strike in the left front bumper of the suspect vehicle
C-3	Photographs of the bullet strikes on the front hood of the suspect vehicle
C-4	Photograph of the bullet strike in the front windshield of the suspect vehicle
C-5	Photographs of the bullet strike in the front windshield frame on the driver's side of the suspect vehicle
C-6	Photographs of the four bullet strikes on the driver's side (left side) of the suspect vehicle
C-7	Photographs of the bullet strike in the left rear bumper of the suspect vehicle
C-8	Photographs of the bullet strike in the left rear tire of the suspect vehicle
D-1	Photographs of the position of the suspect vehicle after it struck the black pick-up truck at the south end of parking lot A
D-2	Photographs of the black Suburban parked at the south end of parking lot A
D-3	Photographs of the bullet strike on the rear tail gate of the black Suburban
E-1	Photographs of the Toyota Corolla parked next to the victim's vehicle
E-2	Photographs of the bullet strikes in the Toyota Corolla
F-1	Report written by Firearms Examiner Mike Oto dated 03-10-00
F-2	Report written by Firearms Examiner Mike Oto dated 03-29-00
F-3	Ballistics test prepared by Firearms Examiner Michael Oto
G	Firearms Worksheet prepared by Firearms Examiner James Carroll - Receipt #J075270
H	Transcribed Radio Traffic on L-TAC regarding shooting at Rio Hondo Community College
I	Crime Report written under Pico Rivera Station File #000-80049-1570-057
J	Supplemental Report written by Deputy Galvan under File #000-80049-1570-057
K	Supplemental Report written by Deputy Tombol under File #000-80049-1570-057
L	Supplemental Report written by Deputy Lopez under File #000-80049-1750-057
M	Supplemental Report written by Deputy Holston under File #000-80049-1570-057
N	Supplemental Report written by Deputy Ibarra under File #000-80049-1570-057
O	Supplemental Report written by Deputy Anderson under File #000-80049-1570-057
P	Supplemental Report written by Deputy Leyva under File #000-80049-1570-057
Q	Supplemental Report written by Sergeant Boskovich under File #000-80049-1570-057
R	Use of Force Policy
S-1	Criminal Records History for Suspect Francisco Reyes
S-2	Criminal Records History for Suspect [redacted]
S-3	Criminal Records History for Suspect Cesar Nunez
T	Pico Rivera Station In-Service Sheet dated 03-08-00

MISCELLANEOUS DOCUMENTS

PPI Profiles for Deputies Galvan, Tombol and Sergeant Boskovich

Admonition Forms

Assignment Card Requests

Assignment Cards for Deputies Galvan, Tombol, and Sergeant Boskovich

Training and Shooting Records
Request for Administrative Investigation